



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: General Services/Public Works
Department No.: 063/054
For Agenda Of: 7/16/19 Set Hearing
8/13/19 First Reading
8/20/19 Second Reading
Placement: Departmental 8/13/19
Administrative 8/20/19
Estimated Tme: 30 Minutes on 8/13/19
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: General Services: Janette D Pell, Director (805) 560-1011
Public Works Scott D. McGolpin, Director (805) 568-3010

Contact Info: Skip Grey, Assistant Director, General Services Department,
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Chris Sneddon, Assistant Director, Public Works Department
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SUBJECT: Ordinance Amending Portions of Chapter 12A of the County Code; All Districts

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

On July 16, 2019, set a hearing on the Departmental Agenda of August 13, 2019, to consider recommendations regarding an Ordinance amending Santa Barbara County Code Chapter 12A, County-Owned Property, Article II, Real Property Procedures, Sections 12A-10, 12A-10.1, 12A-11, and 12A-11.1 pertaining to the administration and procedures for managing County-owned property and renewing delegations of authority therein.

On August 13, 2019:

- a) Receive and file a presentation regarding revisions to County Code Chapter 12A;
- b) Approve the introduction (First Reading) of an Ordinance amending Santa Barbara County Code Chapter 12A, County-Owned Property, Article II, Real Property Procedures, Sections 12A-10, 12A-10.1, 12A-11, and 12A-11.1 pertaining to the administration and procedures for managing County-owned property and renewing delegations of authority therein;
- c) Read the title of the above Ordinance into the record and waive full reading of the Ordinance; and

- d) Continue the above Ordinance to the Administrative Agenda for August 20, 2019 to consider recommendations, as follows:

On August 20, 2019:

- i.) Consider and approve the adoption (Second Reading) of an Ordinance amending Santa Barbara County Code Chapter 12A, County-Owned Property, Article II, Real Property Procedures, Sections 12A-10, 12A-10.1, 12A-11, and 12A-11.1, pertaining to the administration and procedures for managing County-owned property and renewing delegations of authority therein; and
- ii.) Find that the proposed actions do not constitute a “Project” within the meaning of the California Environmental Quality Act pursuant to 14 CCR 15378(b)(2), as they consist of “general policy and procedure making” and pursuant to 14 CCR 15378(b)(5) as they consist of organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and approve and direct staff to file the attached Notice of Exemption on that basis.

Summary Text:

This item is on the agenda to consider approval and adoption of an ordinance amending portions of the Santa Barbara County Code Chapter 12A and renewing certain delegations of authority therein. Article II of Chapter 12A of the County Code regulates the use of County property and sets forth certain procedures for the acquisition and disposition of various types of interests in real property. Several of the sections in Article II of Chapter 12A are based on provisions of the California Government Code that authorize the Board to delegate administrative authority to enter into minor real estate transactions meeting certain criteria. These delegations saves staff time and helps streamline the acquisition/disposition process by eliminating the need to go to the Board of Supervisors. By statute, two of the delegations of authority may only be effective for a period of 5 years, which is set to expire October 2, 2019.

Background:

This item was last before your Board on September 2, 2014, when the Board adopted Ordinance No. 4895, amending Articles I and II of Chapter 12A of the County Code, which regulate the use of County property and set forth certain procedures for the acquisition and disposition of various types of interests in real property. Chapter 12A includes delegations of authority to enter into certain leases or licenses of County property (County Code Section 12A-10) and to acquire for the County interests in real property (County Code 12A-11.1). By statute, these delegations may not be effective for more than five years. The General Services Department, Real Property Division drafted revisions to Chapter 12A to renew and expand these delegations of authority within the limits allowed by statute and to make other minor revisions to Chapter 12A. General Services met with representatives from the Public Works Department to ensure concurrence with the revisions and coordinated with County Counsel on the revised sections.

To summarize, the sections addressed in Article II, Real Property Procedures, are proposed to be amended as follows:

- Sec. 12A-10. Authorization to lease county real property for use by other parties. The monetary and term limits for leases that are eligible for administrative execution pursuant to Section 12A-10 are proposed to be increased. Staff proposes to increase the maximum term duration from five (5) years to ten (10) years and to increase the maximum monthly rent from seven thousand five hundred dollars (\$7,500) to ten thousand dollars (\$10,000). These increases are consistent with the maximum limits set forth in Government Code section 25537.

- Sec. 12A-10.1. Authorization to convey easements, licenses and permits to other public agencies to use county real property. The change to this section was simply adding the language “*or designee*” to the portion of the section describing that “*the director, or designee, finds the proposed conveyance is in the public interest and that the interest in land conveyed will not conflict or interfere with the use of the property by the county.*”
- Sec. 12A-11. Authorization to lease real property for use by the county. Portions of subsection (a) of 12A-11 setting forth noticing requirements have been deleted due to the same language being stated further in the Section.
- Sec. 12A-11.1. Authorization to acquire real property interests for the county. In accordance with California Government Code Section 25350.60, staff is proposing to increase the monetary limit in Section 12A-11.1 for acquisitions of interests in real property that may be approved by the director of general services, or designee, or the director of public works, or designee. Staff proposes to increase the purchase price limit from a total cost not to exceed two thousand five hundred dollars (\$2,500), to fifty thousand dollars (\$50,000). Acquiring real property in an amount up to \$50,000 will help streamline the acquisition process and increase efficiency when acquiring property for all special districts within the Public Works Department, specifically construction projects, and temporary or permanent easement acquisitions.

CEQA:

Because the adoption of this Ordinance consists of general policy and procedure making, the proposed actions do not constitute a “Project” within the meaning of the California Environmental Quality Act (CEQA), pursuant to 14 CCR 15378(b) (2), which excludes from the definition of a “Project” certain activities, including “continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making.” It is also not a “Project” pursuant to 14 CCR 15378(b)(5) as it consists of organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. Therefore, the Board’s proposed action of approving the revisions to County Code Chapter 12A, regulating the use of County real property and setting forth certain procedures for the County’s acquisition and disposition of certain real property rights, which has no possibility of a significant effect on the environment, is not a “project” that requires environmental review under CEQA.

Fiscal and Facilities Impacts:

Budgeted: N/A

Fiscal Analysis:

The Board of Supervisors’ adoption of this Ordinance will have no fiscal or facilities impacts. No funding will be expended in connection with the adoption of this Ordinance except for nominal costs relating to publication of the Ordinance in a newspaper of general circulation.

Special Instructions:

Clerk of the Board to post notices and publish in the *Santa Barbara News-Press* and *Santa Maria Times* pursuant to normal County protocol for this Board action.

After Board action, please distribute as follows:

1. Original Ordinance - Clerk of the Board Files
2. Copy of Ordinance & Minute Order - General Services/Real Property

Attachments

1. Ordinance
2. Notice of Exemption
3. Presentation